

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 171 be amended to read as follows:

- 1 Page 1, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 2. IC 4-33-14-5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) As used in this
- 4 section, "goods and services" does not include the following:
- 5 (1) Utilities and taxes.
- 6 (2) Financing costs, mortgages, loans, or other debt.
- 7 (3) Medical insurance.
- 8 (4) Fees and payments to a parent or an affiliated company of the
- 9 person holding an owner's license, other than fees and payments
- 10 for goods and services supplied by nonaffiliated persons through
- 11 an affiliated company for the use or benefit of the person holding
- 12 the owner's license.
- 13 (5) Rents paid for real property or payments constituting the price
- 14 of an interest in real property as a result of a real estate
- 15 transaction.
- 16 (b) Notwithstanding any law or rule to the contrary, a person issued
- 17 an owner's license shall establish goals of expending at least:
- 18 (1) ~~ten~~ **twelve** percent (~~10%~~) (**12%**) of the dollar value of the
- 19 licensee's contracts for goods and services with minority business
- 20 enterprises; and
- 21 (2) ~~five~~ **seven** percent (~~5%~~) (**7%**) of the dollar value of the
- 22 licensee's contracts for goods and services with women's business
- 23 enterprises.
- 24 A person holding an owner's license shall submit annually to the

1 commission a report that includes the total dollar value of contracts
 2 awarded for goods or services and the percentage awarded to minority
 3 and women's business enterprises.

4 (c) A person holding an owner's license shall make a good faith
 5 effort to meet the requirements of this section and shall annually
 6 demonstrate to the commission that an effort was made to meet the
 7 requirements.

8 (d) A person holding an owner's license may fulfill not more than
 9 seventy percent (70%) of an obligation under this chapter by requiring
 10 a vendor to set aside a part of a contract for minority or women's
 11 business enterprises. Upon request, the licensee shall provide the
 12 commission with proof of the amount of the set aside.

13 SECTION 3. IC 4-33-14-6 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. **(a) The commission**
 15 **shall biennially audit each person holding an owner's license to**
 16 **evaluate the person's compliance with the requirements of section**
 17 **5 of this chapter.**

18 **(b)** If the commission determines that the provisions of this chapter
 19 relating to expenditures and assignments to minority and women's
 20 business enterprises have not been met by a licensee, the commission
 21 may suspend, limit, or revoke the owner's license or fine or impose
 22 appropriate conditions on the licensee to ensure that the goals for
 23 expenditures and assignments to minority and women's business
 24 enterprises are met. However, if a determination is made that a person
 25 holding an owner's license has failed to demonstrate compliance with
 26 this chapter, the person has ninety (90) days from the date of the
 27 determination of noncompliance to comply."

28 Renumber all SECTIONS consecutively.

(Reference is to ESB 171 as printed February 17, 2000.)

Representative Murphy